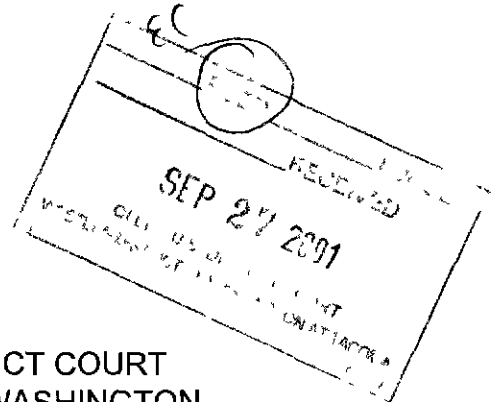


HONORABLE ROBERT J BRYAN



CV 01-05138 #00000054

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

CORY L THOMAS, ABDULLAH ALI,
MUHAMMAD ALEXANDER, and
ISMAIL RAHMAAN,

Plaintiffs,

v

CITY OF TACOMA, a municipal
corporation, TACOMA POLICE
DEPARTMENT, BRIAN EBERSOLE,
JAMES O HAIRSTON, RAY
CORPUZ; KRISTI BUCKLIN;
NATHAN CLAMMER, TERRY
KRAUSE, ROBERT LUKE, DAVID
PECK, STEVE O'KEEFE, ROBERT
BAKER, JOE BUNDY, RONALD
TENNYSON, TODD TERHAR, DAVID
ANDERSON, SHEPPARD CLARKE,
KEITH MILLER, JOHN DOE BLAIR,
JOHN DOE TACOMA POLICE
OFFICER NO 1 (MARLBORO),

Defendants

NO CO1-5138 RJB

AFFIDAVIT OF SHELLEY M
KERSLAKE IN SUPPORT OF
DEFENDANTS' MOTION TO
COMPEL ANSWERS TO
INTERROGATORIES

AFFIDAVIT OF
SHELLEY M KERSLAKE - 1

ORIGINAL

Tacoma City Attorney
Civil Division
747 Market Street, Room 1120
Tacoma, Washington 98402-3767
(253) 591-5885 / FAX 591-5755

54

1 STATE OF WASHINGTON)
2) ss
3 COUNTY OF PIERCE)

4 SHELLEY M KERSLAKE, being first duly sworn on oath, deposes and states
5 as follows
6

7 1 That I am one of the attorneys of record for the defendants in the
8 above-captioned action, and am over the age of eighteen and competent to testify
9 herein

10 2 That on June 1, 2001, interrogatories and requests for production of
11 documents were propounded individually to each plaintiff
12

13 3 That on July 11, 2001, at the request of plaintiffs' counsel, the due
14 date for his clients' answers and responses was extended to August 1, 2001 See
15 letters attached as Exhibit 1

16 4 That on August 7, 2001, the answers and responses that were
17 received, were wholly inadequate, as evidenced by the answers attached to
18 defendants' Memorandum
19

20 5 That following your affiant's review of the plaintiffs' answers and the
21 documents produced, a CR 37 conference was held with Attorney Howell on
22 September 14, 2001 At that time, plaintiffs' attorney agreed to provide complete
23 answers by the following Friday, September 21, 2001
24
25
26

AFFIDAVIT OF
SHELLEY M KERSLAKE - 2

Tacoma City Attorney
Civil Division
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Tacoma, Washington 98402-3767
(253) 591-5885 / FAX 591-5755

1
2 6 That following the CR 37 conference, on September 14, 2001, a
3 letter detailing each answer and response that required answers or supplemental
4 information was faxed to Mr Howell See Exhibit 2

5 7 That on Friday, September 21, 2001, an additional extension of one
6 week was requested by Mr Howell's legal assistant, and granted

7 8 That on September 25, 2001, I received plaintiff Ali's supplemental
8 answers (attached hereto as Exhibit 3) However, these answers fail to correct
9 the deficiencies noted in my letter of September 14, 2001
10

11 9 That as of this date, no supplemental responses have been received
12 for the other plaintiffs

13 10 That the plaintiffs' depositions are currently scheduled for
14 October 16 and 17, 2001, and these answers are necessary to adequately
15 prepare for the depositions and to keep the depositions within the time frame
16 allowed by court rule
17

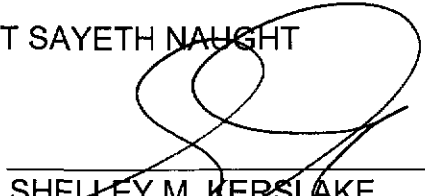
18 11 That I have reviewed the plaintiffs responses to the Defendants' First
19 and Second Request for Production of Documents These responses are
20 referenced by the plaintiffs in their answers to Defendant's Interrogatories Nos
21 11, 12, 16 and 17
22
23
24
25
26

AFFIDAVIT OF
SHELLEY M KERSLAKE - 3

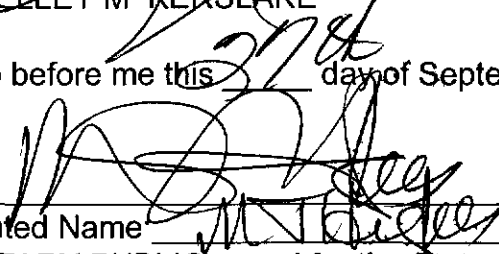
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12 That these documents, consisting of written complaints by plaintiffs,
and alleged statements by witnesses to isolated events, are non-responsive to the
questions posed in the above-referenced Interrogatories

FURTHER YOUR AFFIANT SAYETH NAUGHT


SHELLEY M. KERSLAKE

SUBSCRIBED and SWORN to before me this 27th day of September,
2001


Printed Name M. J. Hughes
NOTARY PUBLIC in and for the State of
Washington, residing at Tacoma
My commission expires 11-11-03

AFFIDAVIT OF
SHELLEY M. KERSLAKE - 4

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